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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,271	08/27/2003	Yuu Inatomi	43888-274	5210
7590	09/01/2006		EXAMINER	
MCDERMOTT, WILL & EMERY 600 13th Street, N.W. WASHINGTON, DC 20005-3096			WEINER, LAURA S	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

TX

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,271	INATOMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura S. Weiner	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,6,16,17,19,20 and 24-28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4,7,9-13,15,18,21 and 23 is/are rejected.
- 7) Claim(s) 8, 14, 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8-03; 5-04; 8-04. 11-05

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species 3, Formula 4, claims 1, 4, 7-15, 18, 21-23 in the reply filed on 7-17-06 is acknowledged.
2. Claims 2-3, 5-6, 16-17, 19-20, 24-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7-17-06.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 9-13, 15, 18, 21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (JP 8-195199, translation).

Inoue et al. teaches in claims 1-3, 6, that the positive electrode contains an electron-donative compound which can be at least one of bis-ethylene dithio tetrathiafulvalene, etc. Inoue et al. teaches in claim 4, that the positive electrode comprises LixCoO<sub>2</sub>, LixNiO<sub>2</sub> or LixCoYNi<sub>1-y</sub>O<sub>2</sub>. Inoue et al. teaches in claims 7-8, that the negative electrode comprises carbon fiber. Inoue et al. teaches on page 3 of

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translation that the electrolytic solution comprises a nonaqueous solvent. Inoue et al. teaches on page 3, that the positive electrode comprises LiCoO<sub>2</sub>, acetylene black, pyrene and an electron-donative compound, bis-ethylene dithio tetrathiafluvalene. It was made into a paste and applied on an aluminum foil.

### ***Allowable Subject Matter***

5. Claims 8, 14 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mikawa et al. (JP 60-14762, translation) teaches on pages 4-5, that an organic compound used in the present invention may be any compound whose cation or anion combines with an electrolytic ion in an electrolyte solution or the solid electrolyte to form a conductive and organic complex. The electron organic compounds can be compounds with a fulvalene sketeton such as tetrathiafluvalene, ,etc. Mikawa et al. teaches that the organic compound is present in the electrolyte.

Negoro et al. (JP 10-106624, translation) teaches that an organic compound such as B20 on page 11 can be present in the electrolyte.

Takahashi et al. (JP 1-172382, translation). Takahashi et al. teaches a charge – transfer complex comprising a fulvalen derivative represented by Formula (I) and/or Formula (II). Takahashi et al. teaches on page 3, a battery that has a positive electrode which uses iodine as the positive electrode active material mixed with an electron-donor and lithium as the negative material. A well-known example of the electron donor is tetrathiafulvalene represented by Formula (III).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S. Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura S. Weiner  
Primary Examiner  
Art Unit 1745

August 29, 2006